

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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P. 3

MAR 23 1987

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

In Reply Refer To: 3HW12

Mr. Edward J. Edwards, Executive Director  
Berks County Industrial Development Authority  
Suite 204, GBC Bldg., 645 Penn St.  
Reading, PA 19601

Re: CryoChem, Inc. Site  
Berks County, PA  
(See Location Map, Attachment A)

Dear Mr. Edwards:

The United States Environmental Protection Agency (EPA) has documented the release or the threat of a release of hazardous substances and has expended public funds to investigate and control such releases at the CryoChem Inc. facility ("Site"). EPA is considering spending additional public funds on corrective action to further control such releases and/or threatened releases. This action will be taken by EPA pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. § 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499, 100 Stat. 1613 (October 17, 1986) ("SARA"), unless EPA determines that such action will be done properly by a responsible party.

Responsible parties under CERCLA include current owners and operators of the Site or facility, past owners and operators at the time of disposal of hazardous substances, and persons who generated the hazardous substances or who were involved in the transport, treatment, or disposal of hazardous substances at the Site. Based upon review of available records, EPA has information indicating that Berks County Industrial Development Authority is the current title holder and legal owner of the Site.

Under Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), and Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), responsible parties may be obligated to implement any relief actions determined necessary by EPA and may also be liable for the costs incurred by the government in responding to any release or threatened release at the Site. Such costs can include, but are not limited to, expenditures for investigations, planning and cleanup of the Site, and enforcement actions. By this letter, EPA notifies you of your company's potential liability with regard to this matter and encourages your company to voluntarily undertake remedial activities which would be overseen by EPA.

CONCURRENCES							
SYMBOL							
SURNAME							
DATE						AR200227	

EPA is planning to conduct a Remedial Investigation and Feasibility Study ("RI/FS") of the Site, unless EPA determines that a responsible party will properly do so. The Remedial Investigation will define the nature and extent of soil, ground water, and surface water contamination at the Site and will determine the hydrogeological characteristics of the area. The Feasibility Study will evaluate possible remedial actions for the removal, treatment or containment of hazardous substances, pollutants, and contaminants at the Site which have been identified by the Remedial Investigation. The RI/FS will be conducted in accordance with the National Contingency Plan, 40 C.F.R. Part 300.68 (a)-(j) 47 Fed. Reg. 31180 (July 16, 1982), revised at 48 Fed. Reg. 40658 (September 8, 1983), further revised at 50 Fed. Reg. 47912 (November 20, 1985), and with EPA's RI/FS guidance (June, 1985). Enclosed are copies of the Remedial Investigation and Feasibility Study guidance documents (Attachment B).

EPA would like to encourage good faith negotiations between your corporation and the Agency and among your corporation and other potentially responsible parties with respect to undertaking remedial actions at the Site. Enclosed you will find a list of the names and addresses of those parties EPA considers potentially responsible (Attachment C). EPA is providing this information in order that your corporation may schedule discussions with other potentially responsible parties and organize yourselves into a single representative body to facilitate negotiations with EPA.

If your corporation decides to participate with other potentially responsible parties in conducting the RI/FS for the Site, your corporation must enter into a Consent Order with EPA within 60 (sixty) calendar days after receipt of this letter. Enclosed is a copy of a model Consent Order for a Remedial Investigation/Feasibility Study for your review and information (Attachment D). You should note that, as defined by Section 104(a) of CERCLA, a responsible party must be determined qualified to conduct the RI/FS and must agree to reimburse EPA for costs incurred for oversight of the RI/FS by qualified contractors.

Within fifteen (15) calendar days of receipt of this letter, your corporation should notify the Region III office of EPA, in writing, whether your corporation is willing, unwilling, or unable to perform, finance or participate in the remedial studies described above. Your letter should include a Statement of Work ("SOW") for those remedial measures that your corporation intends to undertake at the Site and should indicate the appropriate name, address, and telephone number for further contact with your company and/or legal representatives. If your company does not respond within fifteen (15) calendar days from the receipt of this letter, we will assume that your company declines to undertake voluntary action and EPA will proceed to conduct the RI/FS and any other corrective action needed at the Site.

AR200228

You should note that undertaking the RI/FS may be only part of the overall action needed to secure cleanup of the Site. You may be asked in the future to undertake, or may be liable for the cost of any additional corrective actions necessary at the Site.

The factual and legal discussions contained in this letter are intended solely for notification purposes. They are not intended to be and cannot be relied upon as a final Agency position on any matter set forth herein.

Due to the seriousness of the problem at the Site and the attendant legal ramifications, the Agency strongly encourages your company to submit a written response within the time frame specified herein. We hope that you will give this matter your immediate attention.

Please direct correspondence to:

Ms. Humane Zia, Compliance Officer  
U.S. Environmental Protection Agency - Region III  
CERCLA Remedial Enforcement Section (3HW12)  
841 Chestnut Street  
Philadelphia, PA 19107

If you need additional information, please contact Ms. Zia at (215) 597-8214.

This information request is not subject to Office of Management and Budget Review under the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Sincerely,

Stanley L. Laskowski, Acting Director  
Hazardous Waste Management Division

Enclosures: Location Map (Attachment A)  
RI/FS Guidance Documents (Attachment B)  
Potential Responsible Parties List (Attachment C)  
Model Consent Order (Attachment D)

cc: Donald A. Lazarchik, PADER  
Gene Lucero, EPA-OWPE

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*3/17/84*  
*JB*

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RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

\* U.S.G.P.O. 1984-446-014

PS Form 3800, Feb. 1982

Sent to	Edward Edwards, Exec. Dir. Berk County Industrial Dev. Authority
Street and No.	Suite 204, GBC Bldg. 645 Penn Street
P.O., State and ZIP Code	Reading, PA 19601
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ AR200230
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